

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 3A-3D. This sheet, which includes Figs. 3A-3E, replaces the original sheet including Figs. 3A-3E.

Attachment: Annotated Sheet
Replacement Sheet

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's purported admitted Prior Art. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 1-4 and 6-7 have been canceled, the rejection with respect to these claims is moot. Claims 8 and 9 have been amended to more clearly distinguish the claimed subject matter over the prior art.

Independent claim 8 (as amended) is not anticipated by the Applicants' disclosures of Figures 3A, 3C, and 3D,

because neither the conventional hybrid camera corresponding to Figure 3D nor the digital photography camera of Figure 3C teach *photometry means for measuring the brightness of the subject with a photometry element in response to a power on operation of the camera*, as recited in claim 8 (amended). With regard to claim 8 (amended) of the current application, the first iteration of the photometry element is **in response to or triggered by a power on operation** of the camera. The power on operation sets in motion events which result in the first photometry element (first photometry means) performing a measurement, without the operator having to perform additional operations. Figures 3A and 3E illustrate that the power source changing to an ON state results in set-up operations followed by first photometry operation, the measurement of the first photometry being available to be used by the second photometry.

In contrast to the claimed invention, in the conventional film/electronic photography camera corresponding to Figure 3D the first photometry means performs a measurement **in response to the 1R/2R switch activation**. In the embodiment of Figure 3D, the first photometry means would never perform a measurement, even though it was powered on, if the 1R/2R switch was not activated. The conventional electronic photography camera corresponding to Figure 3C does not even include a first photometry element, and the second photometry means, is activated to start measurements **in response to the 1R/2R activation**. For at least the reasons stated above, claim 8 (as amended) is not anticipated by the Applicants' disclosure of admitted Prior Art.

Since claim 9 (amended) depends from claim 8 (amended), it is similarly not anticipated by the Applicants' disclosure of admitted Prior Art. In addition, claim 9 (amended) is not anticipated by the

Applicant' disclosure of Figure 3A and 3D because, because Figure 3A and Figure 3D do not teach that the initial photography conditions of said digital photography means are set based on the output of said photometry means obtained when the operation of said camera is started and before the first release switch is turned on, as recited in claim 9 (amended) of the current application.

With regard to claim 9 of the current application, Figure 3E illustrates an exemplary embodiment of the present invention which shows **first photometry means obtaining a measurement before the 1R switch is turned ON**, and the output being used to set the initial photography conditions of digital photography means. (See arrow between first photometry and second photometry.)

In contrast to claim 9 (amended) of the current application, Figure 3D illustrates that the first photometry means **obtains an output after the 1R and 2R switches are ON**, which is used by the second photometry. Note that, in Figure 3D the location of the pulse representing first photometry measurement is to the right of (i.e., after) the 1R ON state, and the arrow linking first photometry output to second photometry initialization is even further to the right of the 1R ON state with respect to the time line. For at least this additional reason, claim 9 (as amended) is not anticipated by the Applicants' disclosure of admitted Prior Art.

Claim 10 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,833,864 ("the Ashida patent"). Claim 10 has been amended to more clearly distinguish the claimed subject matter over the prior art.

Claim 10 (as amended) is not anticipated by the Ashida patent because the Ashida patent does not disclose a start switch for power on operation of the camera and actuating said photometry element *in response to an operation of said start switch*, as recited in claim 10 (amended) of the current application. The Examiner asserts that the Ashida patent includes the feature of actuating said photometry element in response to an operation of said start switch. The applicant respectfully disagrees. In the Ashida patent, the actuating of photometry element is in **response to a shutter release button being half pressed** after a power switch is turned on **rather than in response to a start switch operation**. (See the Ashida patent col. 4, lines 59-62.) Accordingly, claim 10 (as amended) is not anticipated by the Ashida patent for at least the foregoing reason.

Rejections under 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over applicant's admitted Prior Art in view of the Ashida patent. Since claim 3 has been deleted, the rejection with respect to claim 3 is moot.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ashida patent in view of U.S. Patent No. 6,750,911 ("the Kobayashi patent"). Even assuming, arguendo, that the Kobayashi patent teaches the feature of an image-pickup element drive circuit, in image-pickup operation of the second cycle and subsequent cycles of said image-pickup element, sets the operation conditions of the next cycle based on the image signal

obtained by the previous image-pickup operation, that purported teaching still does not compensate for the deficiency of the Ashida patent with respect to independent claim 10 (amended), described above, from which claim 11 depends. Namely, the Ashida patent, either alone or in combination with the Kobayashi patent does not teach, disclose, or suggest a start switch for power on operation of the camera and *actuating said photometry element in response to an operation of said start switch*, as recited in claim 10 (amended) of the current application. Therefore, claim 11 is not rendered obvious by the Ashida and Kobayashi patents for at least this reason.

New claims

New dependent claims 12 and 13 depend from independent claims 8 and 10, respectively. New claims 12 and 13 are supported by Figure 1 and the corresponding text describing a hybrid electronic photography and film photography camera.

Amendments to the Drawings


Changes to the drawings have been proposed, to designate Figure 3A, 3B, 3C and 3D Prior Art, as requested by the Examiner. Accordingly, the applicant respectfully requests that the Examiner withdraw the objection to the drawings.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **July 18, 2005** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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ANNOTATED SHEET

